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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,545	10/03/2001	Robert L. Parker	42390P11137	1369

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EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,545

Applicant(s)

PARKER, ROBERT L.

Examiner

Thanh T. Vu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to Amendment, filed 02/07/2005.

Claims 1-17 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mack et al. ("Mack", Pat. Pub. No. US 2002/0054115) and Waupotitsch et al. (U.S. Pat. No. 6,518,963).

Per claim 1, Mack teaches a method comprising:

displaying a first image on a web page (figs. 10 and 11; col. 5, [0029] and [0032]);

selecting an image (figs. 10 and 11; col. 5, [0029] and [0032]);

sizing and positioning the selected image over a selected area of the first image (col. 5, [0030]);

projecting a second image onto the first image using the selected image as sized and positioned to form a composite image (col. 5, [0030]; col. 6, [0036]); and

displaying the composite image to a user for accessing in an electronic commerce transaction (col. 6, [0036]).

Mack does not teach the selected image is an image of a 3-D mesh. However, Waupotitsch teaches an image of a 3D mesh (col. 2, lines 25-40; col. 4, lines 8-20). Therefore, it

Art Unit: 2174

would have been obvious to one of ordinary skill in the art at the time of the invention to include an image of a 3D mesh as taught by Waupotitsch in the invention Mack because it provide automatically generating 3D models within a limited time for use with the internet commerce and product design applications.

Per claim 2, Mack teaches the method of claim 1, wherein the first image comprises a digital photograph provided by the user, and the second image comprises text provided by the user (col. 4, [0026]; col. 5, [0032]).

Per claim 3, Mack teaches the method of claim 1, further comprising accepting or declining the composite image by the user (col. 6, [0034]).

Per claim 4, Mack teaches the method of claim 1, further comprising purchasing the composite image by the user in an electronic commerce transaction (col. 6, [0036]).

Per claim 5, Mack teaches the method of claim 1, wherein the first image comprises an image of a body part of a human being (col. 5, [0029], [0031] and [0032]).

Claims 6-10 are rejected under the same rationale as claims 1-5.

Per claim 11, Mack teaches a method of presenting a personalized image to a user comprises:

receiving a digital photograph from the user (figs. 10 and 11; col. 4, [0024]; col. 5, [0029] and [0032]);

receiving a first image from the user (figs. 10 and 11; col. 4, [0024]; col. 5, [0029] and [0032]);

providing a set of images (figs. 10 and 11; col. 5, [0029] and [0032]);

Art Unit: 2174

accepting a user selection for a selected one of the provided images (figs. 10 and 11; col. 5, [0029], [0031], and [0032]);

accepting sizing and positioning of the selected image over a selected area of the digital photograph (col. 5, [0030]);

projecting the first image onto the selected area of the digital photograph using the selected mesh image to form the personalized image (col. 5; [0030]; col. 6, [0036]); and

displaying the personalized image to the user (col. 5; [0030]; col. 6, [0036]).

Mack does not teach the selected image is an image of a 3-D mesh. However, Waupotitsch teaches an image of a 3D mesh (col. 2, lines 25-40; col. 4, lines 8-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include an image of a 3D mesh as taught by Waupotitsch in the invention Mack because it provide automatically generating 3D models within a limited time for use with the internet commerce and product design applications.

Claim 12 is rejected under the same rationale as claim 2.

Claim 13 is rejected under the same rationale as claim 4.

Claim 14 is rejected under the same rationale as claim 5.

Claims 15-17 are rejected under the same rationale as claims 11, 4-5 respectively.

Response to Arguments

Applicant's arguments with respect to the amendment have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2174

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu

Kristine Kincaid
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